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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

Written statement* submitted by Europe-Third World Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 August 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

Violations of the economic, social and cultural rights of landless peasants and the administration of justice in Brazil

The Europe-Third World Centre (CETIM) wishes to inform the Sub-Commission of its concerns in regard to the alarming human rights situation in Brazil, particularly for rural inhabitants.

Brazil is a country of 165 million inhabitants, as such representing the fifth largest population in the world and the fifth largest national territory. Although tremendously rich in natural resources, it is still regarded today as "the country of the future", given its failure to ensure a decent life for the majority of its citizens.

Five hundred years after the start of colonization by the Portuguese, the country continues to live with the shameful memory of the genocide of over 5 million indigenous inhabitants, the slavery of 2.5 million black Africans and the brutal repression of millions of workers and peasants who fought for their rights. An even greater symbol of shame than the past is the present: 3.2 million child workers do not attend school; 50 million Brazilians survive on less than US$ 2 per day; 30 million Brazilians are illiterate; 10 million are unemployed and 4 million peasant farmers have no land; 100,000 individuals are exploited in slavery-like working conditions; and 60 million Brazilians live a precarious existence without access to any form of sanitation.

The national project for integration of the poor has been abandoned by those in government. The accomplishment of land reform, which creates jobs, citizenship and democracy, is clearly not a priority for the country's leaders, despite the growing misery of the people and the increase in violence.

The economic model specifically adopted by the current Government of President Fernando Henrique Cardoso, which is entirely subject to the international financial asset base, allows no room for economic development of a more equitable nature. On the contrary, income is now more concentrated and poverty has increased. By preventing the distribution of income and wealth and the development of an internal market, this model has marginalized agriculture completely.

The result of this policy is visible, both on the streets and in the statistics: the cultivated area of land has decreased by 8 million hectares; the country has had to import agricultural produce at a cost of US$ 6.8 billion, whereas investment in agriculture has reached only US$ 4 billion (as opposed to US$ 19 billion during the period 1975-1979); per capita grain production fell from 522.15 kilograms in 1995 to 503 kilograms in 1999; the average income has declined by 46 per cent; in the past 10 years, 942,000 smallholdings (under 100 hectares) have fallen into bankruptcy; over the last five years, 2 million rural workers have lost their jobs; and millions are still constantly forced to migrate to the cities.

In this context, it is evidently crucial to have a serious policy of agricultural reform which ensures a genuinely democratic form of land ownership. The social compensation policy as run by the Government since 1995 is inadequate and widely disputed. Under this policy, families have been settled on plots of land situated mainly in the central west and northern regions of the

country (as in the case of 65 per cent of families which were "assentadas"). In these regions, land expropriation is synonymous with suspect activities involving large landowners. In addition, even though all land reform areas have been hard won through the organized fight of rural workers, such initiatives are widely publicized as a government feat.

Providing no defence for the legitimate claims of landless workers, the Government has relied on the World Bank to develop a new strategy of dismantling social and trade-union movements in rural areas through the Cédula da Terra programme and the creation of the Land Bank (Banco da Terra), two institutional forms of market-based land reform. These two programmes, both of which are components of the new policy known as "New Rural World", reverse two of the main social achievements enshrined in the Federal Constitution: the requirement to fulfil the social function of ownership and expropriation. The facts show that these programmes aim to make the switch from expropriation to the market, which is dominated by the large landowners who traditionally speculate in land, without State interference and without restriction in regard to social function.

In the five Brazilian states where Cédula da Terra has been introduced, the prices paid to farmers were always excessive and the land acquired was always the worst. Rural workers found themselves obliged to establish hierarchical associations, which were still further dependent on local oligarchies; peasant farmers are seriously in debt and are likely to become bankrupt within a few years. These two programmes, which operate on a sum of US$ 1 billion from the World Bank, will therefore exacerbate poverty in the rural areas of Brazil.

During this same period, the budget of 2.5 billion reals proposed for 1999 by the technicians of the National Institute of Settlement and Land Reform (INCRA) was cut by the Congress to 1.9 billion reals. Following agreements with the International Monetary Fund (IMF), this budget was further reduced to 1.2 billion reals. During the year, however, the Government approved the use of only 30 per cent of this figure, making it impossible to implement a policy which requires a sum of at least 8 billion reals annually.

The Landless Rural Workers Movement (MST), which organizes some 370,000 families (approximately 2 million individuals) country-wide, is heavily suppressed by the Government. A total of 2,800 MST-trained teachers are educating 110,000 children and 20,000 illiterate adults in the land reform areas, 81 cooperatives and 45 farm industries managed by workers (also MST-trained) are up and running, and the families concerned have a monthly income which is above the national average. Meanwhile, however, the Government has revived a law from the dictatorship intended to prosecute and imprison opponents of the regime (the National Security Law (LSN), No. 7.170/83). The Government specifically seeks the imprisonment of those occupying public land and their exclusion from any policy of land reform. However, in 1997, the Higher Court of Justice stated (Habeas corpus No. 5547/SP - 97.0010236-0, rapporteur: Minister Luiz Vicente Cernicchiaro) that "the Popular Movement aimed at establishing land reform cannot be regarded as a crime against property. It is a collective right, an expression of citizenship aimed at establishing a programme inherent to the Constitution of the Republic" and that the "preventive detention of the leaders of the Landless Rural Workers Movement (MST), on charges of forming a gang, disobedience and despoiling property, is inconsistent with the precept set forth in article 5, LXVI, of the Constitution" (Habeas corpus No. 9896/PR 99.0055128-1, president and rapporteur, Minister Vicente Leal, 1999).

Although rural workers are collectively engaged in ongoing efforts to win their rights as citizens, they are confronted with extreme violence, both from the armed militias of the large landowners and from the State police forces working in the service of the "latifundias". Since 1995, 1,169 workers or their defenders have been assassinated; only 58 defendants stood trial, four are in prison and seven are at large. Impunity is the rule and the majority of deaths occur among the extreme poor seeking their fundamental rights.

This violence is currently at its highest in the state of Paraná, in the south of the country, where the repression of workers verges on the barbaric: night-time operations to dislodge illegal occupations are carried out with extreme violence by masked and heavily armed policemen who terrorize and injure children, women and so on. The torture of hundreds of illegally arrested workers also warrants condemnation. Impunity reigns, even when the identity of those responsible for murdering workers is known; workers and their defenders receive death threats (as in the case of the lawyer for the Pastoral Land Commission, Darci Frigo, who is currently under police protection). The phone-tapping of MST offices and cooperatives also warrants condemnation here, as does the assassination on 2 May 2000 of the worker Antonio Tavares Pereira by the military police, who restricted the movement of workers by barring their entry to the capital, Curitiba. The President declared that it served as a warning for those who failed to demonstrate respect for "democratic order". In this operation, approximately 150 individuals were injured by police armed with gas bombs, who were accompanied by dogs and equipped with sub-machine guns and rubber and metal bullets. The scenes of police using batons to beat elderly individuals, children and adults wishing to claim frozen credits shocked Brazilian society, which is increasingly concerned over the Government's anti-democratic spiral.

In view of the above, the Europe-Third World Centre requests the Sub-Commission on the Promotion and Protection of Human Rights to recommend that, at its fifty-seventh session, the Commission on Human Rights should take all appropriate measures concerning the serious human rights violations in Brazil.